

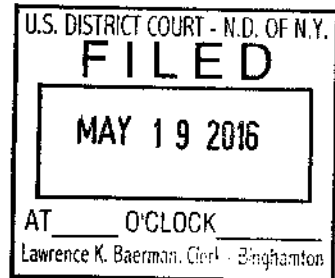
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PHOENIX NPL, LLC,

Plaintiff,

-against-

CAPITAL HOTEL, INC.; CHIRAG KABRAWALA;
ASHOK DHABUWALA a/k/a ASHOK M.
DHABUWALA a/k/a ASHOK BHABUWALA;
BRANDON LEVIN a/k/a BRANDON LEVINE;
NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE; JOHN DOE AND
JANE DOE NO. 1 THROUGH NO. 10, the last ten
(10) names being fictitious and unknown to the
Plaintiff, the persons or parties intended being the
tenants, occupants, persons or parties, if any, having or
claiming an interest in or lien upon the premises
described in the verified complaint.



Case No. 15-cv-00080-
TJM-RFT

**ORDER TO SHOW
CAUSE TO LIFT STAY
AND FOR
APPOINTMENT OF
RECEIVER**

Upon filing and reading the annexed Declaration of David Silverstein dated May 13, 2016, Declaration of Mark A. Slama, Esq. dated May 13, 2016, together with the exhibits submitted therewith, and the Memorandum of Law dated May 13, 2016 and all prior proceedings had heretofore and for good cause shown; it is hereby

ORDERED, defendants Capital Hotel, Inc. ("Borrower"), Chirag Kabrawala ("Kabrawala"), Ashok Dhabuwala a/k/a Ashok M. Dhabuwala ("Dhabuwala"), Brandon Levin a/k/a Brandon Levine ("Levin"; together with Dhabuwala, and Kabrawala, the "Guarantors", collectively with Borrower, the "Obligors" or "Defendants"), show cause before The Honorable Thomas J. McAvoy, 15 Henry Street, Binghamton, NY 13901 on the 2nd day of JUNE 2016 at 10:00 a.m./p.m. or as soon thereafter as counsel can be heard, why an order should not be made and entered immediately (i) lift the stay imposed by the Court's April 26, 2016 order for

the limited purpose of this application (ii) appointing Jeff Kolessar of GF Management as receiver of the mortgaged property located at Block 01, Lot 40, on the Tax Map of the Town of Colonie, New York and commonly referred to as 20 Airport Park Boulevard, Latham, New York., and (iii) such further relief as this Court shall determine to be proper; and it is further

LET SERVICE of a copy of this order to show cause, with the supporting papers, made by Federal Express overnight delivery upon Capital Hotel, Inc., 20 Airport Boulevard, Latham, New York 12110, Chriag Kabrawala, 860 North Orange Avenue, Apt 238, Orlando, Florida 32801, Ashok Dhabuwala a/k/a Ashok M. Dhabuwala a/k/a Ashok Bhabuwala, 34 Cleveland Avenue, Glenhead, New York 11545, Brandon Levin a/k/a Brandon Levine, 725 Loch Raven Boulevard, Baltimore, Maryland 21286, New York State Department of Taxation, Building 9, W.A. Harriman Campus, Albany, New York 12227, on or before MAY 20, 2016 be deemed to be sufficient service upon the Defendants.

File with the Court and
ORDERED that the Defendants must serve their answering papers, if any, by Fed. Ex. overnight deliv. upon counsel for the Plaintiff, Mark A. Slama Esq., at the offices of Windels Marx Lane & Mittendorf, LLP, 156 West 56th Street, 22nd Fl., New York, NY 10019 on or before MAY 26, 2016.

File with the Court and
ORDERED that Plaintiff must serve its reply papers, if any, made by Federal Express overnight delivery upon the Defendants at the addresses set forth above, on or before MAY 31, 2016 be deemed to be sufficient service upon the Defendants.

Oral argument ~~(shall/shall not)~~ be required on the return date of this application.

ENTER: 5/18/16

Thomas J. McAvoy
THOMAS J. MCAVOY